



Clay County, MN

2017 Data Practices Policy for Data Subjects

## Data about you

The Government Data Practices Act (Minnesota Statutes, Chapter 13) says that data subjects have certain rights related to a government entity collecting, creating, and keeping government data about them. You are the subject of data when you can be identified from the data. Government data is a term that means all recorded information a government entity has, including paper, email, flash drives, CDs, DVDs, photographs, etc.

## Classification of data about you

The Government Data Practices Act presumes that all government data are public unless a state or federal law says that the data are not public. Data about you are classified by state law as public, private, or confidential. See below for some examples.

### Public data

Clay County must give public data to anyone who asks. It does not matter who is asking for the data or why the person wants the data. The following is an example of public data about you:

“Your name on an application for a license from the county.”

### Private data

Clay County cannot give private data to the general public, but you can have access to private data when the data are about you. We can share your private data with you, with someone who has your permission, with our government entity staff who have a work assignment to see the data, and to others as permitted by law or court order. The following is an example of private data about you:

“Your home address, home phone number or social security number on a county form.”

### Confidential data

Confidential data have the most protection. Neither the public nor you can get access even when the confidential data are about you. Clay County can share confidential data about you with our government entity staff who have a work assignment to see the data, and to others as permitted by law or court order. We cannot give you access to confidential data. The following is an example of confidential data about you:

“Your identity as mandated reporter of child abuse or neglect.”

## Your rights under the Government Data Practices Act

Clay County must keep all government data in a way that makes it easy for you to access data about you. Also, we can collect and keep only those data about you that we need for administering and managing programs that are permitted by law. As a data subject, you have the following rights.

## Access to your data

You have the right to look at (inspect), free of charge, public and private data that we keep about you. You also have the right to get copies of public and private data about you. The Government Data Practices Act allows Clay County to charge for copies. You have the right to look at data, free of charge, before deciding to request copies.

Also, if you ask, we will tell you whether we keep data about you and whether the data are public, private, or confidential.

As a parent, you have the right to look at and get copies of public and private data about your minor children (under the age of 18). As a legally appointed guardian, you have the right to look at and get copies of public and private data about an individual for whom you are appointed guardian.

Minors have the right to ask this government entity not to give data about them to their parent or guardian. If you are a minor, we will tell you that you have this right. We may ask you to put your request in writing and to include the reasons that we should deny your parents access to the data. We will make the final decision about your request based on your best interests. Minors do not have this right if the data in question are educational data maintained by an educational agency or institution.

## When Clay County collect data from you

When we ask you to provide data about yourself that are not public, we must give you a notice. The notice is sometimes called a Tennesen warning. The notice controls what we do with the data that we collect from you. Usually, Clay County can use and release the data only in the ways described in the notice.

We will ask for your written permission if we need to use or release private data about you in a different way, or if you ask us to release the data to another person. This permission is called informed consent.

## Protecting your data

The Government Data Practices Act requires Clay County to protect your data. We have established appropriate safeguards to ensure that your data are safe.

In the unfortunate event that we determine a security breach has occurred and an unauthorized person has gained access to your data, we will notify you as required by law.

## When your data are inaccurate and/or incomplete

You have the right to challenge the accuracy and/or completeness of public and private data about you. You also have the right to appeal our decision. If you are a minor, your parent or guardian has the right to challenge data about you.

## How to make a request for your data

You can look at data, or request copies of data that this government entity keeps about you, your minor children, or an individual for whom you have been appointed legal guardian. Make your request for data

to the appropriate individual listed in the Data Practices Contacts on page 6. You may submit your data request via email, postal mail, or in person using the data request form (or link) on page 8.

If you choose not use to use the data request form, your request should include:

- You are making a request, under the Government Data Practices Act (Minnesota Statutes, Chapter 13), as a data subject, for data about you.
- Whether you would like to inspect the data, have copies of the data, or both.
- A clear description of the data you would like to inspect or have copied.
- Identifying information that proves you are the data subject, or data subject's parent/guardian.

Clay County requires proof of your identity before we can respond to your request for data. If you are requesting data about your minor child, you must show proof that you are the minor's parent. If you are a guardian, you must show legal documentation of your guardianship. Please see the Standards for Verifying Identity located on page 9.

## How we respond to a data request

Once you make your request, Clay County will work to process your request.

- If it is not clear what data you are requesting, we will ask you for clarification.
- If we do not have the data requested, Clay County will notify you, in writing, within 10 business days.
- If we have the data, but the data are confidential or private data that are not about you, we will notify you within 10 business days and state which specific law says you cannot access the data.
- If we have the data, and the data are public or private data about you, we will respond to your request within 10 business days, by doing one of the following:
  - Arrange a date, time, and place to inspect data, for free, if your request is to look at the data, or
  - Provide you with copies of the data within 10 business days. You may choose to pick up your copies, or we will mail them to you. We will provide electronic copies (such as email or CD-ROM) upon request if we keep the data in electronic format.

Information about copy charges is on page 7.

After Clay County has provided you with access to the data about you, we do not have to show you the data again for 6 months unless there is a dispute or we collect or create new data about you.

If you do not understand some of the data (technical terminology, abbreviations, or acronyms), please let us know. We will give you an explanation if you ask.

The Government Data Practices Act does not require us to create or collect new data in response to a data request if we do not already have the data, or to provide data in a specific form or arrangement if we do not keep the data in that form or arrangement (for example, if the data you request are on paper only, we are not required to create electronic documents to respond to your request). If we agree to create data in response to your request, we will work with you on the details of your request, including cost and response time.

In addition, we are not required under the Government Data Practices Act to respond to questions that are not specific requests for data.

## Data Practices Contacts Responsible Authorities (RA)

Name	Position	Email Address @co. clay.mn.us	Phone (218.299-XXXX)	Address
BERG, BRIAN	COUNTY ADMINISTRATOR	brian.berg	5002	807 11th St. N, Moorhead MN 56560
BERGQUIST, BILL	COUNTY SHERIFF	bill.bergquist	5155	915 9th Ave. N, Moorhead MN 56560
MELTON, BRIAN	COUNTY ATTORNEY	brian.melton	7340	807 11th St. N, Moorhead MN 56560
PORTER, RHONDA	SOCIAL SERVICES DIRECTOR	rhonda.porter	7134	715 11th St. N, Moorhead MN 56560

## Data Practices Compliance Official (DPCO)

Name	Department	Email Address @co. clay.mn.us	Phone (218.299-XXXX)	Address
SAMARZJA, JENNY	ATTORNEY	Jenny.samarzja	7341	807 11th St. N, Moorhead MN 56560

## Data Practices Designee(s)

Name	Department	Email Address @co. clay.mn.us	Phone (218.299-XXXX)	Address
GUNDERSON, NANCY	ASSESSOR	nancy.gunderson	7641	807 11th St. N, Moorhead MN 56560
FILDES, ERIN	ATTORNEY	erin.fildes	7283	807 11th St. N, Moorhead MN 56560
JOHNSON, LORI	AUDITOR-TREASURER	lori.johnson	5262	807 11th St. N, Moorhead MN 56560
ECK, COLLEEN	CENTRAL ADMIN	colleen.eck	5002	807 11th St. N, Moorhead MN 56560
SAVAT, JULIE	CORRECTIONS	julie.savat	7350	915 9th Ave. N, Moorhead MN 56560
CHENEY, JANELLE	CORRECTIONS-STATE	Janelle.cheney@state.mn.us	218.304.3012	807 11th St. N, Moorhead MN 56560
MCKAY, KATHY	HEALTH ADMINISTRATION	kathy.mckay	7186	715 11th St. N, Moorhead MN 56560
BROOKE, DARREN	HR/CENTRAL ADMIN	darren.brooke	7336	807 11th St. N, Moorhead MN 56560
SLOAN, MARK	INFORMATION SERVICES	mark.sloan	7518	807 11th St. N, Moorhead MN 56560
LARSON, STEPHEN	JUVENILE DETENTION	stephen.larson	7826	919 8th Ave. N, Moorhead MN 56560
MAGNUSSON, TIM	PLANNING AND ZONING	tim.magnusson	7330	807 11th St. N, Moorhead MN 56560
STREIFEL, DIANN	RECORDER	diann.streifel	7635	807 11th St. N, Moorhead MN 56560
SIRO, MATT	SHERIFF	matt.siro	5160	915 9th Ave. N, Moorhead MN 56560
BOYER, PAT	SOCIAL SERVICES	pat.boyer	7136	715 11th St. N, Moorhead MN 56560
CHRISTENSEN, STACEY	SOCIAL SERVICES	stacey.christensen	7113	715 11th St. N, Moorhead MN 56560
AMUNDSEN, AMY	SOCIAL SERVICES	amy.amundsen	7129	715 11th St. N, Moorhead MN 56560
THORNE, SANDY	SOCIAL SERVICES	sandy.thorne	7088	715 11th St. N, Moorhead MN 56560
WANNER, HOLLY	SOCIAL SERVICES	holly.wanner	7119	715 11th St. N, Moorhead MN 56560
YOUNG, LARRY	SOCIAL SERVICES	larry.young	7111	715 11th St. N, Moorhead MN 56560
ROSENBERGER, KIRK	SOLID WASTE MGT	kirk.rosenberger	7332	807 11th St. N, Moorhead MN 56560
DENT, TIMOTHY	TECHNOLOGY SERVICES	tim.dent	5194	807 11th St. N, Moorhead MN 56560
CANNON, CURTIS	VETERAN S AFFAIRS	curtis.cannon	7328	715 11th St. N, Moorhead MN 56560

## Copy Costs – Data Subjects

Clay County charges data subjects for copies of government data. These charges are authorized under Minnesota Statutes, section 13.04, subdivision 3. You must pay for the copies before we will give them to you. We do not charge for copies if the cost is less than \$10.00.

### Actual cost of making the copies

In determining the actual cost of making copies, we factor in employee time, the cost of the materials onto which we are copying the data (paper, flash drive, CD, DVD, etc.), and mailing costs (if any).

If your request is for copies of data that we cannot reproduce ourselves, such as photographs, we will charge you the actual cost we must pay an outside vendor for the copies.

Clay County will charge the requester the lowest paid employees hourly wage which is capable of retrieving the data at the time of the request.

Materials, certificates and forms which fall under state statutes will be charged at the rate identified in statute.

## Data Request Form – Data Subjects

To request data as a data subject, you must show a valid state ID, such as a driver’s license, military ID, or passport as proof of identity.

### Contact information

Data subject name:

Parent/Guardian name (if applicable):

Address:

Phone number/email address:

### Staff verification

Request date:

Identification provided:

I am requesting access to data in the following way:

- Inspection
- Copies
- Both inspection and copies

This is the data I am requesting:

Describe the data you are requesting as specifically as possible.

We will respond to your request within 10 business days.

## Standards for Verifying Identity

The following constitute proof of identity.

- An adult individual must provide a valid photo ID, such as
  - a state driver's license
  - a military ID
  - a passport
  - a Minnesota ID
  - a Minnesota tribal ID
- A minor individual must provide a valid photo ID, such as
  - a state driver's license
  - a military ID
  - a passport
  - a Minnesota ID
  - a Minnesota Tribal ID
  - a Minnesota school ID
- The parent or guardian of a minor must provide a valid photo ID and either
  - a certified copy of the minor's birth certificate or
  - a certified copy of documents that establish the parent or guardian's relationship to the child, such as
    - a court order relating to divorce, separation, custody, foster care
    - a foster care contract
    - an affidavit of parentage
- The legal guardian for an individual must provide a valid photo ID and a certified copy of appropriate documentation of formal or informal appointment as guardian, such as
  - court order(s)
  - valid power of attorney

Note: Individuals who do not exercise their data practices rights in person must provide either notarized or certified copies of the documents that are required or an affidavit of ID.

## Notice of Adoption of Model Policies

[Minnesota Statutes, section 13.025, subdivisions 2 and 3](#), require government entities to prepare written policies that relate to public access to government data, and rights of subjects of data and [Minnesota Statutes, section 13.03, subdivision 2](#), requires entities to establish procedures so that data requests are complied with appropriately and promptly.

[Minnesota Statutes, section 13.073, subd. 6](#), requires the Commissioner of Administration to prepare [model policies and procedures](#) to help government entities comply with those requirements. Entities that choose to adopt the Commissioner's model policies must notify the Commissioner. Please use the following statement to notify the Commissioner if you choose to adopt the model policies and procedures.\*

### Notice to Commissioner of Administration: Adoption of Model Policies

Clay County has adopted the Commissioner's Model Policy for the Public and Model Policy for Data Subjects. This notice to the Commissioner satisfies Clay County's obligation under Minnesota Statutes, section 13.073, subdivision 6.

Brian C. Berg

County Administrator

January 1 2017

*\*Government entities may submit this notification by mail or email:*

Commissioner of Administration  
c/o Information Policy Analysis Division (IPAD)  
201 Administration Building  
50 Sherburne Avenue  
St. Paul, MN 55155  
[info.ipad@state.mn.us](mailto:info.ipad@state.mn.us)